

**FILED**

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Board of Vocational Nursing  
and Psychiatric Technicians

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2009-2521

**CHRYSTAL SHANTEL STAINE**  
44152 Acacia Street  
Lancaster, CA 93535

**A C C U S A T I O N**

Vocational Nurse License No. VN 233330

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about April 04, 2008, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 233330 to Chrystal Shantel Staine (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2014, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 118, subdivision (b) states, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

5. Section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 492 states:

"Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for

1 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a  
2 record pertaining to an arrest.

3 "This section shall not be construed to apply to any drug diversion program operated by any  
4 agency established under Division 2 (commencing with Section 500) of this code, or any  
5 initiative act referred to in that division."

6 7. Section 2875 states, in pertinent part, that the Board may discipline the holder of a  
7 vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of  
8 the Vocational Nursing Practice Act.

9 8. Section 2878 states, in pertinent part:

10 "The Board may suspend or revoke a license issued under this chapter [the Vocational  
11 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

13 . . . .

14 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
15 violating of, or conspiring to violate any provision or term of this chapter.

16 . . . .

17 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties  
18 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive  
19 evidence of the conviction.

20 . . . .

21 "(j) The commission of any act involving dishonesty, when that action is related to the  
22 duties and functions of the licensee."

23 9. Section 2878.5 states, in pertinent part:

24 In addition to other acts constituting unprofessional conduct within the meaning of this  
25 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed  
26 under this chapter to do any of the following:

27 . . . .

28 "(b) Use any controlled substance as defined in Division 10 of the Health and Safety

1 Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in  
2 a manner dangerous or injurious to himself or herself, any other person, or the public, or to the  
3 extent that the use impairs his or her ability to conduct with safety to the public the practice  
4 authorized by his or her license.

5 "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous  
6 drug, or the prescription, consumption, or self-administration of any of the substances described  
7 in subdivisions (a) and (b) of this section, in which event the record of the conviction is  
8 conclusive evidence thereof."

### 9 **REGULATORY PROVISIONS**

10 10. California Code of Regulations, title 16, section 2521, states, in pertinent part:

11 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5  
12 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be  
13 considered to be substantially related to the qualifications, functions or duties of a licensed  
14 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed  
15 vocational nurse to perform the functions authorized by his license in a manner consistent with  
16 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those  
17 involving the following:

18 . . . .

19 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
20 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the  
21 Business and Professions Code."

### 22 **COST RECOVERY**

23 11. Section 125.3 provides, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licentiate found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.

27 ///

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Convictions of Substantially-Related Crimes)**

3 12. Respondent is subject to disciplinary action under sections 490, 2878, subdivision (f),  
4 in conjunction with California Code of Regulations, title 16, section 2521, on the grounds of  
5 unprofessional conduct, in that Respondent was convicted of crimes that are substantially related  
6 to the qualifications, functions, and duties of a vocational nurse as follows:

7 a. On or about July 12, 2010, after pleading *nolo contendere*, Respondent was convicted  
8 of one misdemeanor count of violating Vehicle Code section 12500, subdivision (a) [driving  
9 without a license], in the criminal proceeding entitled *The People of the State of California*  
10 *v. Chrystal Shantel Staine* (Super. Ct. Los Angeles County, 2010, No. 0AV04704). The court  
11 placed Respondent on probation for a period of 24 months, and ordered her to serve 5 days in jail  
12 or pay a fine. The circumstances surrounding the conviction are that on or about May 10, 2010,  
13 Respondent did knowingly, and unlawfully, drive a vehicle without a valid license.

14 b. On or about May 24, 2010, after pleading *nolo contendere*, Respondent was  
15 convicted of one misdemeanor count of violating Vehicle Code section 12500, subdivision (a)  
16 [driving without a license]; and one misdemeanor count of violating Vehicle Code section 23152,  
17 subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in the blood], in the  
18 criminal proceeding entitled *The People of the State of California v. Chrystal Shantel Staine*  
19 (Super. Ct. Los Angeles County, 2009, No. 0AV00570). The court placed Respondent on  
20 probation for a period of 36 months and ordered her to serve 13 days in jail or pay a fine. The  
21 circumstances surrounding the conviction are that on or about December 24, 2009, a Lancaster  
22 Highway Patrol Officer, while on duty, during a routine traffic stop, stopped Respondent for  
23 having her front windows tinted with aftermarket film applied to the inside of the glass in  
24 violation of Vehicle Code section 26708, subdivision (a)(1), and to having expired registration  
25 tags, in violation of Vehicle Code section 5204, subdivision (a). The officer smelled an odor of  
26 an alcoholic beverage emitting from inside of Respondent's vehicle. The officer also observed  
27 that Respondent had red and watery eyes. Respondent also admitted to the officer that she had  
28 "one beer an hour ago." Respondent agreed to a series of field sobriety tests which she failed to

1 complete satisfactorily. Respondent was subsequently given two breath tests with results of  
2 0.14% BAC and 0.13% BAC.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Convictions Involving Drugs and/or Alcohol)**

5 13. Respondent is subject to disciplinary action under sections 2878, subdivision (a), and  
6 2878.5, subdivision (c), on the grounds of unprofessional conduct, in that Respondent was  
7 convicted of crimes involving the use of drugs and/or alcohol on July 12, 2010, and May 24,  
8 2010. Complainant refers to, and by this reference incorporates, the allegations set forth above in  
9 paragraph 12, subparagraphs (a) and (b), inclusive, as though set forth fully.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Alcohol)**

12 14. Respondent is subject to disciplinary action under sections 2878, subdivision (a) and  
13 2878.5, subdivision (c), on the grounds of unprofessional conduct, in that Respondent used  
14 alcoholic beverages to an extent or in a manner dangerous or injurious to herself, any other  
15 person, or the public on May 10, 2010, and December 24, 2009. Complainant refers to, and by  
16 this reference incorporates, the allegations set forth above in paragraph 12, subparagraphs (a) and  
17 (b), inclusive, as though set forth fully.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Dishonest Acts)**

20 15. Respondent is subject to disciplinary action under section 2878, subdivision (j), on  
21 the grounds of unprofessional conduct, in that Respondent was convicted of crimes that involved  
22 dishonest acts. Complainant refers to, and by this reference incorporates, the allegations set forth  
23 above in paragraph 12, subparagraphs (a) and (b), inclusive, as though set forth fully.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct / Violate Act)**

26 16. Respondent is subject to disciplinary action under sections 2875, 2878, subdivision  
27 (d), and 2878.5, on the grounds of unprofessional conduct, in that Respondent was convicted of  
28 crimes that involved unprofessional conduct and/or acts violating the Vocational Nursing Practice

1 Act. Complainant refers to, and by this reference incorporates, the allegations set forth above in  
2 paragraphs 12 through 15, inclusive, as though set forth fully.

3 **PRAYER**


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board issue a decision:

6 1. Revoking or suspending Vocational Nurse License No. VN 233330, issued to  
7 Chrystal Shantel Staine;

8 2. Ordering Chrystal Shantel Straine to pay the Board the reasonable costs of the  
9 investigation and enforcement of this case, pursuant to Business and Professions Code section  
10 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: **APR 09 2013**

  
14 TERESA BELLO JONES, J.D., M.S.N., R.N.  
15 Executive Officer  
16 Board of Vocational Nursing and Psychiatric Technicians  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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